

be prepared to have surprisingly low viscosities.

Claims 1-10 are pending.

Claims 1-10 stand rejected under 35 U.S.C. 103(a) as obvious over Schreiber et al (WO 98/17232) in view of Lang et al (4,976,952) in further view of Seidel et al (5,830,483).

The Examiner views Schreiber as teaching water in oil emulsions comprising 30-85% aqueous phase and PEG-30 dipolyhydroxystearate as an emulsifier; Lange as teaching cosmetic compositions comprising cationic chitosans and Seidel as teaching oil-in-water emulsions comprising 50-90% water, a nonionic emulsifier, and an ionic emulsifier.

According to the Examiner, it would be obvious to modify the emulsions of Schreiber using the teachings of Lange to obtain a water-in-oil emulsion comprising a cationic chitosan and to substitute the paraffin oil of Seidel for the oil of the combined references. The Examiner seems to think that somehow this would arrive at Applicants' novel emulsions.

The Examiner will note that Applicants' emulsions have very low viscosities (page 2, lines 34-36), which are flowable and have very high internal phases of water (page 5, lines 30-32). Applicants' emulsions have, for example, viscosities which are less than 5000 mPas [millipascal seconds] (page 6, line 28).

Schreiber is directed to cosmetic sticks (page 1, first paragraph), which require a combination of an oil and a wax that is solid at room temperature (page 11, line 23 of USSN 09/284,369, the English language counterpart of Schreiber). This is the *antithesis* of Applicants' low-viscosity liquid emulsions.

*but
this is
not claimed!*

Lang, on the other hand, and contrary to the Examiner's reading, does not have anything to do with chitosan. Lange is concerned with the use of water soluble quaternary N-substituted chitosan derivatives (col 2, lines 33 et seq.).

Combining Lang's quaternary N-substituted chitosan derivatives with Schreiber's solid water-in-oil emulsions, wherein the oil phase is a solid comprising an oil and a wax, cannot possibly lead to Applicants' low viscosity liquid water-in-oil emulsion, with chitosan as a cationic polymer.

Nothing at all could be learned from Seidel that would have any use in either Schreiber or Lang, as Seidel is concerned with oil-in-water emulsions, not water-in-oil. In addition, there is absolutely no reason why anyone would substitute Seidel's paraffin oil for Schreiber's liquid oil + solid wax, as such would be completely contrary to Schreiber's inventive concept. Furthermore, even if for some reason one were to try to use Seidel's paraffin oil in Schreiber's solid emulsions, such paraffin oil would still be combined with Schreiber's wax, to produce a solid oil phase. Nothing in any of the references would teach or suggest abandoning the fundamental concept of the Schreiber invention, a novel solid emulsion. In particular, nothing in any of the references would teach or suggest that

it would in any way be **possible** to produce a water-in-oil emulsion that would have a very high water content and yet a very low viscosity, i.e., a viscosity below 5000 mPas, such as Applicants have discovered.

Accordingly, the rejection of claims 1-10 under 35 U.S.C. 103(a) as obvious over Schreiber et al (WO 98/17232) in view of Lang et al (4,976,952) in further view of Seidel et al (5,830,483) should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-10 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

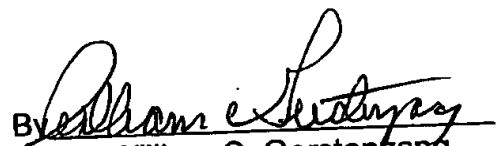
If any extension of time for this amendment is required, applicants request that this be considered a petition therefore. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted

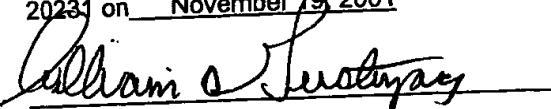
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I hereby certify that this correspondence is being
transmitted via facsimile addressed to Assistant
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